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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/997,132

11/29/2001

Naoto Ohashi

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7590

03/10/2003

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FORT WAYNE, IN 46802

EXAMINER

REICHLE, KARIN M

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/997,132

Applicant(s)

OHASHI ET AL.

Examiner

Karin M. Reichle

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3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The abstract of the disclosure is objected to because on line 3, "a"(both) should be --the--.  
Correction is required. See MPEP § 608.01(b).
2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 2, line 17, i.e. "these two sheets" should be --the topsheet and the backsheet--, page 4, lines 4-10, page 8, line 4, page 8, line 16, sentence bridging pages 9-10.
3. The drawings are objected to because Figure 1 is inconsistent with the description on page 3, lines 5-6, i.e. the Figure is partly cut away.. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention of claims 2-3(see amended paragraph on page 5, i.e. "(not shown)"), claim 6, i.e. "gradually increases", and claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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5. The disclosure is objected to because of the following informalities: The description of Figure 1 on page 3, lines 5-6 is inconsistent with Figure 1, see discussion supra. In Figure 1, what are 15A? It is unclear whether the surface 37 is that of the core, see page 7, lines 14-15, or the diaper, see amended paragraph on page 4. On page 7, line 23, should "might be" be --will not be--? See last paragraph of the specification. What is Applicant trying to describe at page 9, lines 16-18? That the density of the fibers in the layers 41 about the grooves is higher than the density of the fibers in the remainder of the core?

Appropriate correction is required.

6. Claims 8-9 are objected to because of the following informalities: in claim 8, line 2, "a" should be deleted. Appropriate correction is required.

7. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The description of the densities in claim 4 are unclear. Where is the thin layer? Where is "around a depth of said core"? See discussion in paragraph 5, supra.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 1-3, 5, 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pieniak et al '442.

Claims 1-3, 5, 7 and 8: see Figures 1, 3, 12, col. 4, lines 52-60, col. 7, lines 13-21, col. 9, lines 14-18, col. 10, lines 34-44.

Claim 9: see col. 9, lines 4-8.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenfeld et al '016 in view of Pieniak et al.

In regard to claims 1-3 and 5-9, see Figures 4-5 and 7, col. 2, lines 6-24, col. 3, lines 13-32 and 38-47, col. 5, lines 22-29, col. 6, lines 31-39, col. 7, line 64-col. 8, line 1, col. 8, lines 13-19, col. 9, lines 16-29, and 40-63, col. 10, lines 33-50 and col. 11, lines 49-53. The Rosenfeld et al device therefore includes all the claimed structure except for teaching an absorbent and diffusive sheet covering the core and thereby its joining to the polymer particles and topsheet

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along the grooves although it does teach the core can include a layer of tissue. However, see Pieniak et al, col. 10, lines 34-44, i.e well known to wrap core in tissue to prevent dusting of particles and tissue can thereby be joined to grooves of core, i.e particles, and top sheet to enhance fit and esthetics. To employ the tissue to wrap the core and join it to the grooves of the as taught by Pieniak et al on the Rosenfeld device would be obvious to one of ordinary skill in the art in view of the recognition that it is well known to wrap the core with tissue to prevent dusting of particles and joining to the grooves of the core and topsheet would enhance the fit and esthetics and the desire of such features in any absorbent article.

In regard to claim 4, see col. 9, lines 16-17.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other cited references show various grooved articles.

13. Any inquiry concerning this communication should be directed to K. M. Reichle at telephone number 703-308-2617. The Examiner's regular work schedule is Monday-Thursday. The Official RightFAX number is 703-872-9302.

K. M. Reichle  
KIM REICHEL  
PATENT EXAMINER

KMR

March 2, 2003